IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1228 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/08/2004 in WPMP No. 17518 of 2004 in WP No. 13658 OF 2004 on the file of the High Court.)

Between:

1.Muslim Educational Association, Regd.No.10/60, Uravakonda, Anantapur District, represented by its President,

Silar Sarmas Vali, S/o Sk.Shavate, aged 43 years,
R/o.Uravakonda, Anantapur District.
2. Aided Arabic High School, Uravakonda, Anantapur Dist.rep.by its Correspondent, D.B.Zeelan, R/o.Uravakonda, Anantapur Dist.

..... APPELLANTS

AND

1.The State of A.P.,rep.by its Secretary, Education Department, Secretariat Buildings, Hyderabad.
2.The Commissioner & Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
3.The District Educational Officer, Anantapur, Anantapur Dist.
4.Syed Azamatullah Hussain, S/o.Syed Hussain peera, Near: Zamia Mosq, 4th Ward, Uravakonda, Anantapur Dist.

.....RESPONDENTS

Counsel for the Appellant:MR.KASAJAGANMOHAN REDDY

Counsel for the Respondents 1 to 3: GP for School

Education

Counsel for Respondent No.4: Mr.Manohar Reddy Mallasani

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

We have heard learned counsel for parties and gone through the record.

We have also gone through the chronology of the events and the fact that Writ Petition No. 6614 of 2002 is still pending and there is a stay order operating, and, that on 5.3.2003, second respondent has approved the change of management, who has also appointed another person as Correspondent in view of the change in management. As a matter of fact, appellants had prayed for suspension of the order dated: 27.7.2004 during the pendency of the Writ Petition. Learned Single Judge declined to grant any stay thereof and that is why appeal is before us.

We are of the view that it is a fit case, in which, considering the long-drawn litigation and subsequent developments, which have happened, operation of the order impugned in the writ petition deserves to be stayed. Appeal, accordingly, is allowed and W.P.M.P. No. 17518 of 2004 is allowed with direction that during the pendency of the Writ Petition, there will be stay of the operation of the order impugned in the Writ Petition. Since we have stayed the operation of the impugned proceedings, we consider it fit and appropriate that Writ Petition No. 13658 of 2004 deserves to be heard expeditiously along with W.P.No.6614 of 2002. Both the Writ Petitions be posted before the learned Single Judge on 1.11.2004 for hearing. No costs.

DEVINDER GUPTA, C.J.

25.8.2004.

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C.V.RAMULU, J.

VR.

To

1.The Secretary to Government of A.P.,Education Department, Secretariat Buildings, Hyderabad.
2.The Commissioner & Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
3.The District Educational Officer, Anantapur, Anantapur Dist.
4. Two CCs to Govt. Pleader for School Education, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

6. Copy to the Section Officer, Posting.